

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/030, 702 02/25/98 MACNEIL

R 8527-002

EXAMINER

025203 QM32/0731  
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|               |          |              |
|---------------|----------|--------------|
| CHAMBERS, III | ART UNIT | PAPER NUMBER |
|---------------|----------|--------------|

3711  
DATE MAILED:24  
07/31/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

|                               |                         |
|-------------------------------|-------------------------|
| Application No.<br>09/030,702 | Applicant(s)<br>Macneil |
| Examiner<br>M. Chambers       | Art Unit<br>3711        |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. *JF*

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Jul 11, 2001

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-4 and 12-16 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 1-4 and 12-16 is/are allowed.

6)  Claim(s) \_\_\_\_\_ is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

15)  Notice of References Cited (PTO-892) 18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20)  Other: *Examiner's amendment*

## REASONS FOR ALLOWANCE

Per our phone discussion on July 19, 2001 I have modified the claim language as noted below. On further review, this amendment cannot be entered as an examiner's amendment due to the need for a supplemental amendment. The following actions should place the application in condition for allowance:

- 1) The original patent document must be surrendered.

### *Reissue Applications*

1. The original patent, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

- 2) A supplemental declaration/oath must be submitted.

- 3) A response to the office action of 6/8/01 must be submitted. If the action is not timely, a petition for extension of time must also be submitted. The following claim language should be used:

A) Cancel claims 5-11 in their entirety.

B) In claim 12:

12) A lacrosse stick head comprising a frame having a central longitudinal axis and netting attached to said frame, said frame comprising a throat portion, first and second side walls extending from said throat portion and diverging from each other, [said first sidewall being substantially straight in the longitudinal direction at least along an upper edge thereof,]  
said second sidewall forming a convex curve extending in the longitudinal direction of the sidewall at least along an upper edge thereof, said convex curve facing towards said longitudinal axis, and a lip portion joined to ends of said sidewalls remote from said throat portion,

said lip portion being below said central longitudinal axis and a top edge plane of said sidewalls,  
wherein said frame is made of a strong rigid [plastics] plastic material.

### *Reasons for Allowance*

2. The following is an examiner's statement of reasons for allowance:

Claim 1 has been allowed over the art of record because it would not have been obvious to have added an inner wall segment extending both inwardly towards a central longitudinal axis and downwardly from a upper wall section of the sidewall.

Claim 12 has been allowed over the art of record. The declaration of Joseph Crisco that one skilled in the art was taught by fig 2 that the mouth portion was below the central access was critical to broadening the claim language. The declaration of Robert Rule that the lacrosse stick did not incorporate an offset where the lip portion dips below the sidewalls of the stick was critical to narrowing the scope of cited meeting minutes reference. Although the specification deals with an inner wall segment extending both inwardly towards a central longitudinal axis and downwardly from an upper wall section of the sidewall, this reissue application broadens the claim language to include a lip portion being below a central longitudinal axis and top edge plane of said sidewalls. The examiner has not found a lacrosse head prior to the priority date claimed in which the lip portion is below a central longitudinal axis and top edge plane of said sidewalls.

Claims 2-4 inherit the novelty of claim 1.

Claims 5-11 have been canceled in their entirety.

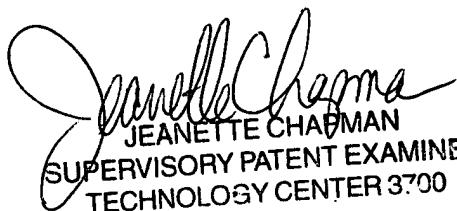
Claims 13-16 inherit the novelty of claim 12.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Michael Chambers** whose telephone number is (703) 306-5516. The examiner can normally be reached on Mon.-Fri. from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeanette E. Chapman**, can be reached on (703) 308-1310. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1078.



JEANETTE CHAPMAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700